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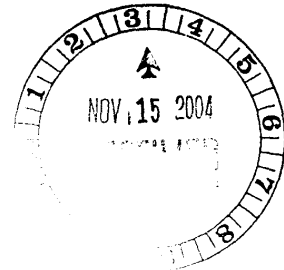
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November 15, 2004

Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Suite 700  
Washington, DC 20423

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RE: Finance Docket No. 34536, *Indiana & Ohio Central Railroad, Inc.—Acquisition and Operation Exemption—CSX Transportation, Inc.*

Dear Secretary Williams:

The Indiana & Ohio Central Railroad, Inc. ("IOCR") responds to the undated Motion to Compel filed by the United Transportation Union (the "UTU") on November 5, 2004. IOCR has filed the lease and purchase agreement with the Securities and Exchange Commission ("SEC") and UTU can obtain them from the SEC.

UTU seeks to compel discovery of other unspecified documents. IOCR continues to object to UTU's discovery request for all other documents because UTU has failed to comply with the Surface Transportation Board's ("the "Board") rules.

First, UTU failed to seek discovery in its Petition to Revoke. UTU claims that a petition to revoke can be filed at any time, and therefore UTU's Amended Petition to Revoke was a proper means of seeking discovery. However, the Amended Petition to Revoke is merely a verbatim repetition of the first petition to Revoke with a request for discovery added. IOCR adopts the arguments it made in the Response filed on October 1, 2004 for the Board to deny the discovery sought by UTU.

Second, "discovery shall follow the procedures set forth at 49 CFR part 1114, subpart B." 49 C.F.R. § 1121.2. UTU sought discovery by letter dated September 23, 2004. IOCR objected to discovery in the Response filed and served on October 1, 2004. Pursuant to 49 C.F.R. § 1114.31(a), a motion to compel is required to be filed with the Board "within 10 days." As of October 10, IOCR determined that UTU had abandoned its attempt to obtain discovery because it had not filed a motion to compel. However, UTU filed the Motion to Compel out of time on

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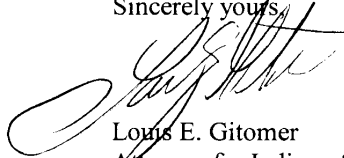
November 5, 2004. UTU has again failed to comply with the Board's rules in seeking discovery. IOCR respectfully requests the Board to reject UTU's Motion to Compel as untimely.

IOCR has made the lease and purchase agreement public by filing it with the SEC. IOCR contends that any and all other transaction documents are not relevant or material to the UTU petition to revoke, and are confidential business arrangements that would harm IOCR and CSX Transportation, Inc. by being made public. UTU can obtain the lease and purchase agreement from the public files of the SEC. However, IOCR continues to object to the additional discovery sought by UTU for the reasons explained above, and because UTU has twice failed to comply with the Board's rules. IOCR respectfully requests that the Board deny UTU's Motion to Compel.

Enclosed for filing are the original and ten copies of this letter. Please time and date stamp the extra copy of this letter and return it with our messenger. Thank you for your assistance.

If you have any questions, please contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Louis E. Gitomer", written over the typed name.

Louis E. Gitomer  
Attorney for Indiana & Ohio Central  
Railroad, Inc.

cc: Parties of Record